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DOGM
MINERALS PROGRAM
FILE COPY

January 22, 1991

TO: Tom Mitchell, Assistant Attorney General

FROM: Wayne Hedberg, Minerals Program Supervisor *DWA*

RE: Division Request for Informal Opinion, Vipont Mine, D/003/007,
Box Elder County, Utah

Please find attached a chronology of the important events, correspondence and previous Division/Board actions, associated with the Vipont Mine. The Vipont mine is located in an old mining area. Portions of the old mine were redeveloped in the late 70's and early 80's as part of a gold operation, which included the use of cyanide and heap leaching. Though permitting was initiated for the site, final approval was never granted nor was the site ever bonded.

The operator, Mr. Thomas Miller, has shown obvious reluctance to permit the Vipont site. Evidence of this can be seen by the long history of correspondence described in the chronology. Mr. Miller was directed twice, by the Board of Oil, Gas and Mining to permit and bond the site; once on July 20, 1977 and again on April 26, 1979. Each time, the Division received a bit more information for the plan, but never received a reclamation surety.

The Division's course of action would be clear at this point, except for the fact that the operator refiled a DOE (Declaration of Exemption) on July 15, 1985 for the site. The DOE was apparently accepted on September 24, 1985 by the Division. Further permitting and/or enforcement action was then suspended on the Vipont.

Currently, the operation is inactive. The most current inspection was performed October 17, 1990 by Anthony Gallegos and Holland Shepherd (see attached inspection memo). No disturbance beyond that found during a Division inspection September 6, 1985, was detected. That inspection was made during the time period that the DOE was acknowledged by the Division.

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Can the Division now revert back to the original decisions made by the Division and Board, and force the operator to permit and bond the Vipont site, or are we prevented from taking further action because of the Division's acceptance of the 1985 DOE? Is the state saddled with another unreclaimed minesite?

jb
Attachment
cc: Lowell Braxton
Minerals Staff
D003007.1